IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.4561 OF 1999
ALONG WITH
CIVIL APPLICATION NO.1956 OF 2004

Gramodaya Shikshan Sanstha and others)..Petitioners

Versus

Shri Kashinath Sukdeo Khairnar)..Respondent

Mr.P.N.Joshi for the Petitioners.

Ms.Seema Sarnaik for the Respondent.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 8TH JULY 2005

P.C.:

. Petitioner Nos.1 and 2 were conducting the Petitioner No.3 school upto 2nd August 2004 as stated in the affidavit filed by Petitioner No.1 in Civil Application No.1956 of 2004. From 2nd August 2004, the entire management, teachers, staff, children, etc. of the school has been transferred to Maharshtra Bhatkya Vimukta Jati Sangh, hereinafter referred to as "Sangh". Therefore, the Petition filed by Petitioner Nos.1 and 2 in respect of Petitioner No.3 school no longer survives and is disposed of as infructuous.

2. Respondent No.5 in the Civil Application has filed an affidavit and at page 48 has stated that the

Sangh has already filled up the post of Superintendent which the Applicant in the Civil Application is seeking. Ms.Sarnaik states that this is in violation of Condition No.5 of the appointment order and, therefore, the Applicant should be appointed as Superintendent. However, this is entirely a different cause of action. Since the Petition has been disposed of as infructuous, nothing survives in the Civil Application and the same is disposed of accordingly. Interim orders, if any, vacated.